

RECEIPT # 511635
 AMOUNT \$ 150.00
 SUMMONS ISSUED Y-1
 LOCAL RULE 4.1
 WAIVER FORM
 ACF ISSUED
 BY DPTY. CLK.
 DATE 7-22-04

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

ROGER E. HUGHES, JR., as Settlement Agent,)

Plaintiff,)

v.)

Civil No. _____

MICHAEL G. & KENDRA B. GEORGES,)

Individually and as Trustees of the)

Georges Realty Trust,)

KARA GEORGES HUNTINGTON,)

ERIK M. GEORGES,)

UNITED STATES OF AMERICA, and)

LYNNE F. RILEY, as Chapter 7 Trustee of)

the Bankruptcy Estate of Michael G. Georges,)

Defendants.

04-cv-11635-NG

COMPLAINT FOR INTERPLEADER

MAGISTRATE JUDGE Bauer

The plaintiff, Roger E. Hughes, Jr., brings this complaint in his capacity as the Settlement Agent for the sale of certain real property by Michael G. Georges and Kendra B. Georges as Trustees of the Georges Realty Trust to certain purchasers, in order (1) to deposit \$131,093.80 ("the funds") with the Court and require the various defendants to interplead their claims to the funds, and (2) to be discharged from liability with respect thereto. For these purposes, the plaintiff alleges as follows:

1. This Court has jurisdiction under 28 U.S.C. § 1331 and/or § 1335 and/or §§ 1340 and 2410.

2. The defendants, Michael G. Georges and Kendra B. Georges reside at 78 Alden Street, Duxbury, Massachusetts 02332, within the jurisdiction of this Court. In addition, Michael G. Georges maintains an office at 440 Plain Street, Marshfield, Massachusetts 02050, within the jurisdiction of this Court, which, on information and belief, is the office of the Georges Realty Trust.

3. The defendant, Kara Georges Huntington, resides at 78 Alden Street, Duxbury, Massachusetts 02332, within the jurisdiction of this Court.

4. The defendant, Erik M. Georges, resides at 96 High Street, Stratham, N.H., 03885.

5. The defendant, United States of America, is subject to the jurisdiction of this Court, having waived its sovereign immunity for this action under 28 U.S.C. § 2410. As required by that provision, the name of the taxpayer whose tax liability created the lien is Georges Realty Trust, Michael G & Kendra B. Georges, Trustees, at 440 Plain Street, Marshfield, Massachusetts 02050. The plaintiffs does not know whether notice of the tax lien was filed, but defendant has been served with a notice of levy to enforce the lien, as described below.

6. The defendant, Lynne F. Riley, is the Chapter 7 Trustee for the bankruptcy estate of Michael G. Georges, Case No. 02-13199-CJK, pending in the United States Bankruptcy Court for the District of Massachusetts. Ms. Riley maintains an office (through the firm, Riley & Esher) at 69 Thorndike Street, Cambridge, MA 02141, within the jurisdiction of this Court.

7. On July 20, 2001, the plaintiff, doing business as Hughes & Associates, conducted a settlement of the sale of certain real property located generally at 56 Weston Farm Pathe, Marshfield, Massachusetts 02050. The sellers were Michael G. Georges and Kendra B. Georges as Trustees of the Georges Realty Trust. A copy of the Settlement Statement is attached to this complaint as Exhibit A.

8. In preparing for the closing, the plaintiff determined that, as a result of notices of federal tax lien recorded against "Michael & Kendra Georges," at the address of the subject property being sold, the plaintiff should require proof that the Internal Revenue Service would not claim that its liens attached to the subject property or else should hold in escrow sufficient

funds to satisfy the recorded tax liens. Accordingly, line 508 of the Settlement Statement shows \$130,093.30 held for "IRS" in case the agency claimed that the lien attached.

9. On October 26, 2001, Michael G. Georges paid to the plaintiff an additional \$1,000 to supplement the escrowed \$130,093.30 to cover interest on the recorded tax liens.

10. On information and belief, on August 27, 2002, Michael G. Georges received a discharge in his bankruptcy case.

11. On September 26, 2002, Michael G. Georges commenced an adversary proceeding (Adv. No. 02-1352) in his bankruptcy case, naming the Settlement Agent (plaintiff in this action) among the defendants, seeking to compel the Settlement Agent to release the escrowed funds to his children, the defendants, Kara Georges Huntington and Erik M. Georges, as the beneficiaries of the Georges Realty Trust. The bankruptcy case adversary complaint also named the United States and the bankruptcy trustee as defendants. The bankruptcy adversary complaint has since been amended to add Kara Georges Huntington and Erik M. Georges as additional plaintiffs. (The United States, which has agreed that Settlement Agent may interplead the funds at issue, has insisted that the Bankruptcy Court is not the proper court for this interpleader action because it would lack jurisdiction to adjudicate the priority or validity of the tax levy for the tax liabilities of the Georges Realty Trust, referred to below.)

12. On July 14, 2004, the plaintiff was served with a Notice of Levy for the tax liabilities of the Georges Realty Trust, Michael G. & Kendra B. Georges, Trustees, demanding that the plaintiff turn over to the IRS the escrowed funds representing the remaining proceeds from the sale of the Weston Farm Pathe property by the Georges Realty Trust. A copy of the Notice of Levy is attached as Exhibit B.

13. Since Michael G. Georges and Kendra B. Georges were the trustees of the Georges Realty Trust and the sellers of the property, the plaintiff is concerned that if he complies with the IRS tax levy, they may assert that he violated some duty owed by him as Settlement Agent to them as trustees.

14. Since Kara Georges Huntington and Erik M. Georges are the beneficiaries of the Georges Realty Trust, and since the trust has expired by its terms, entitling the beneficiaries to the corpus of the trust, the plaintiff is concerned that if he complies with the IRS tax levy, they may assert that he violated some duty owed by him as Settlement Agent to them as beneficiaries of the Georges Realty Trust.

15. Pursuant to 26 U.S.C. § 6332, if the plaintiff fails to comply with the IRS levy, the United States might assert personal liability against him. (The United States has informed plaintiff that it will not assert such liability if the plaintiff interpleads the funds.)

16. The Chapter 7 Trustee, Lynne F. Riley, has not made a claim for the funds but is named as a defendant herein to the extent she may determine to assert a claim to the funds, since she is named as a defendant in the adversary bankruptcy action commenced by Michael M. Georges (although she has not filed an answer or other pleading in that action).

WHEREFORE, the plaintiff prays that this Court accept the deposit of \$131,093.80 (which will be tendered to the Clerk of the Court at the time this complaint is filed), and enter an order discharging the plaintiff from liability with respect to the disposition of said funds, and for such additional relief as hereafter appears just and proper.



ROGER E. HUGHES, JR. *pro se*

Hughes & Associates
46 Accord Park Drive
Norwell, MA 02061
(781-681-5100)
BBO #243460

A. Settlement Statement

U.S. Department of Housing
and Urban Development

Loan #

OMB No. 2502-0265

EXHIBIT "A"

B. Type of Loan

1. ☐ FHA 2. ☐ FmHA 3. ☒ Conv. Unins
4. ☐ VA 5. ☐ Conv. ins6. File Number
C01-1543

7. Loan Number

8. Mortgage Insurance Case Number

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(P.O.C.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name/Address of Borrower:

Richard A. McManus, Jr. and Kellie E. McManus
56 Weston Farm Pathe, Marshfield, Massachusetts 02050

E. Name and Address of Seller:

Michael G. George, Trustee of Georges Realty Trust and Kendra B. Georges, Trustee of Georges Realty Trust

F. Name and Address of Lender:

Mortgage Financial Services, Inc.
36 Commerce Way, Woburn, Massachusetts 01801

G. Property Location:

56 Weston Farm Pathe, Marshfield, Massachusetts 02050

H. Settlement Agent:

Hughes & Associates

Agent's Address:

46 Accord Park Drive, Norwell, Massachusetts 02061

Place of Settlement:

46 Accord Park Drive, Norwell, Massachusetts 02061

I. Settlement Date 07/20/2001

J. Summary of Borrower's Transaction

100. Gross Amount Due from Borrower	
101. Contract sales price	\$450,000.00
102. Personal property	
103. Settlement charges to Borrower (line 1400)	\$3,942.97
104. FY '02 1st qtr RE Tax	\$1,221.49
105.	
Adjustments for items paid by seller in advance	
106. City/town taxes	
107. County Tax	
108. Assessments	
109.	
110.	
111.	
112.	
120. Gross Amount Due From Borrower	\$455,164.46

K. Summary of Seller's Transaction

400. Gross Amount Due To Seller	
401. Contract sales price	\$450,000.00
402. Personal property	
403.	
404.	
405.	
Adjustments for items paid by seller in advance	
406. City/town taxes	
407. County Tax	
408. Assessments	
409.	
410.	
411.	
412.	
420. Gross Amount Due To Seller	\$450,000.00

200. Amounts Paid By Or In Behalf of Borrower

201. Deposit or Earnest Money	\$22,500.00
202. Principal Amount of New Loan	\$275,000.00
203. Existing Loan(s) taken subject to	
204. closing cost credit pd lender	\$2,020.50
205.	
206.	
207.	
208.	
209.	

500. Reductions In Amount Due to Seller

501. Excess Deposit (see instructions)	
502. Settlement charges to seller (line 1400)	\$8,067.00
503. Existing Loan(s) taken subject to	
504. Bank One	\$198,000.00
505. William J. & Rosemary F. Chase	\$17,627.00
506. Deposit Retained by R.E. Broker	\$22,500.00
507. Thayer Academy	\$29,606.24
508. IRS	\$130,093.80
509. Elizabeth Bone	\$7,200.00

Adjustments for items unpaid by seller

210. City/town taxes	06/30/01 to 07/20/01	\$267.73
211. County Tax		
212. Assessments		
213.		
214. Final Water		\$134.02
215.		
216.		
217.		
218.		
219.		
220. Total Paid By/For Borrower		\$299,922.25

Adjustments for items unpaid by seller

510. City/town taxes	06/30/01 to 07/20/01	\$267.73
511. County Tax		
512. Assessments		
513. Water Due		\$547.61
514. Final Water		\$134.02
515.		
516.		
517.		
518.		
519.		
520. Total Reduction Amount Due Seller		\$414,043.40

300. Cash At Settlement From/To Borrower

301. Gross Amount due from Borrower (line 120)	\$455,164.46
302. Less amounts paid by/for Borrower (line 220)	\$299,922.25
303. Cash from Borrower	\$155,242.21

600. Cash At Settlement To/From Seller

601. Gross Amount due to seller (line 420)	\$450,000.00
602. Less reductions in amt due seller (line 520)	\$414,043.40
603. Cash to Seller	\$35,956.60

We, the undersigned, identified in section D hereof and Seller in section E hereof, hereby acknowledge receipt of this completed Settlement Statement on July 20, 2001.

Borrowers:

Richard A. McManus, Jr.

Sellers:

Michael G. George, Trustee
Georges Realty Trust

Sellers:

Kellie E. McManus

Kendra B. Georges, Trustee

Atty. in fact

Settlement Charges

700. Total Sales/brokerage commission based on price:			Paid From Borrower's Funds at Settlement	Paid From Sellers Funds at Settlement
Division of Commission (line 700) as follows:				
701.	\$11,250.00	to MacDonald & Wood Real Estate		
702.	\$11,250.00	to Crescent Realty Group		
703. Commission paid at Settlement				
704. Deposit Retained by R.E. Broker \$22,500.00 poc				
800. Items Payable in Connection With Loan				
801. Loan Origination Fee		to		
802. Loan Discount		to		
803. Appraisal Fee		to		
804. Credit Report		to		
805. Lender's Inspection Fee		to		
806. Mortgage Insurance Application Fee		to		
807. Assumption Fee		to		
808. Tax Service Fee	\$215.00 poc	to		
809. Administrative Fee	\$250.00 poc	to		
810.		to		
811. OSB Premium	\$5,260.75 poc	to MFSI		
900. Items Required by Lender To Be Paid In Advance				
901. Interest from 07/20/01 to 08/01/01 @	\$60.2740 /day 12 days		\$723.29	
902. Mortgage Insurance Premium for	0 months to			
903. Hazard Insurance Premium for	0 years to			
904.	0 years to			
905.				
1000. Reserves Deposited With Lender				
1001. Hazard Ins	2 months @ \$43.67 per month		\$87.34	
1002. Mortgage Ins	months @ per month			
1003. City Tax	2 months @ \$407.17 per month City/Town of Marshfield, MA		\$814.34	
1004. County Tax	months @ per month			
1005. Assessments	months @ per month			
1006.	months @ per month			
1007.	months @ per month			
1008. Aggregate Adjustment			\$0.00	
1100. Title Charges				
1101. Settlement/Closing Fee		to		
1102. Abstract/Title Search		to		
1103. Title examination		to		
1104. Title Insurance binder		to		
1105. Document preparation		to Hughes & Associates		
1106. Notary fees		to		
1107. Attorney's Fees		to Hughes & Associates	\$550.00	
(includes above line numbers)				
1108. Title Insurance		to Lawyers Title Insurance Corporation	\$1,450.00	
(includes above line numbers)				
1109. Lender's coverage	\$275,000.00 @ \$687.50 \$1,015.00	to Hughes & Associates		
1110. Owner's coverage	\$450,000.00 @ \$762.50 \$435.00	to Lawyers Title Insurance Corporation		
1111. record Cert. of Compliance		to		
1112. record trustee cert		to		\$31.00
1113. obtain Mortgage Discharge				\$200.00
1200. Government Recording and Transfer Charges				
1201. Recording Fees:	Deed \$46.00 Mtg \$55.00 Rls \$124.00		\$101.00	\$124.00
1202. City/county tax/stamps:	Deed \$0.00 Mtg \$0.00			
1203. State tax/stamps:	Deed \$2,052.00 Mtg \$0.00			\$2,052.00
1204. Obtain and record MLC		to	\$40.00	
1205. record Assignment		to	\$32.00	
1300. Additional Settlement Charges				
1301. Obtain/Review Survey		to Russell A. Wheatley Co., Inc.	\$125.00	
1302. Pest Inspection		to		
1303. Federal Express		to	\$20.00	\$60.00
1304. Attorney Fee		to Edward G. Boyle, III		\$600.00
1305. Payment		to Jeffrey Hoffman, Esq.		\$5,000.00
1306.		to		
1307.		to		
1308.		to		
1400. Total Settlement Charges			\$3,942.97	\$8,067.00

We, the undersigned, identified in section D hereof and Seller in section E hereof, hereby acknowledge receipt of this completed Settlement Statement (pages 1 and 2) on July 20, 2001.

Borrowers:

Richard A. McManus, Jr.

Kelli E. McManus

Sellers:

Michael G. George, Trustee
George Realty Trust

Kendra B. George, Trustee

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause funds to be disbursed in accordance with this statement.

Settlement Agent:

Date: July 20, 2001

Michael G. George,
Atty in fact

EXHIBIT B

Form **668-A(ICS)**
(Rev. Jan. 2003)

Department of the Treasury – Internal Revenue Service

Notice of LevyDATE: **July 09, 2004**REPLY TO: **Internal Revenue Service****Lynette Kucinski****166 Main St****Brockton, MA 02301**

TELEPHONE NUMBER

OF IRS OFFICE: **508-895-8833**TO: **Roger Hughes****Hughes Associates****46 Accord Park Dr.****Norwell, MA 02061**

NAME AND ADDRESS OF TAXPAYER:

Georges Realty Trust**Georges Michael G & Kendra B TTEE****440 Plain St****Marshfield, MA 02050**IDENTIFYING NUMBER(S): **36-7430688**

THIS ISN'T A BILL FOR TAXES YOU OWE. THIS IS A NOTICE OF LEVY WE ARE USING TO COLLECT MONEY OWED BY THE TAXPAYER NAMED ABOVE.

Kind of Tax	Tax Period Ended	Unpaid Balance of Assessment	Statutory Additions	Total
1041	12/31/1990	\$162,810.01	\$838.40	\$163,648.41
1041	12/31/2001	\$100,537.21	\$ 517.72	\$101,054.93
THIS LEVY WON'T ATTACH FUNDS IN IRAs, SELF-EMPLOYED INDIVIDUALS' RETIREMENT PLANS, OR ANY OTHER RETIREMENT PLANS IN YOUR POSSESSION OR CONTROL, UNLESS IT IS SIGNED IN THE BLOCK TO THE RIGHT. =====>				Total Amount Due
				\$264,703.34

We figured the interest and late payment penalty to **08/23/2004**

The Internal Revenue Code provides that there is a lien for the amount that is owed. Although we have given the notice and demand required by the Code, the amount owed hasn't been paid. This levy requires you to turn over to us this person's property and rights to property (such as money, credits, and bank deposits) that you have or which you are already obligated to pay this person. However, don't send us more than the "Total Amount Due."

Money in banks, credit unions, savings and loans, and similar institutions described in section 408(n) of the Internal Revenue Code must be held for 21 calendar days from the day you receive this levy before you send us the money. Include any interest the person earns during the 21 days. Turn over any other money, property, credits, etc. that you have or are already obligated to pay the taxpayer, when you would have paid it if this person asked for payment.

Make a reasonable effort to identify all property and rights to property belonging to this person. At a minimum, search your records using the taxpayer's name, address, and identifying numbers(s) shown on this form. Don't offset money this person owes you without contacting us at the telephone number shown above for instructions. You may not subtract a processing fee from the amount you send us.

To respond to this levy —

1. Make your check or money order payable to **United States Treasury**.
2. Write the taxpayer's name, identifying number(s), kind of tax and tax period shown on this form, and "LEVY PROCEEDS" on your check or money order (not on a detachable stub).
3. Complete the back of Part 3 of this form and mail it to us with your payment in the enclosed envelope.
4. Keep Part 1 of this form for your records and give the taxpayer Part 2 within 2 days.

If you don't owe any money to the taxpayer, please complete the back of Part 3, and mail that part back to us in the enclosed envelope.

Signature of Service Representative

Lynette Kucinski*Lynette Kucinski*

Title

Revenue Officer

James K. Wainford for
Part 1 For Addressee *Peter Bousnades*

Compliance Territory Manager

Catalog No. 15704T

www.irs.govForm **668-A(ICS)** (Rev. 1-2003)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Roger E. Hughes, Jr.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Plymouth
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

*Michael G. & Kendra B. Georges
Kara Georges Washington, Erik M.
Georges United States of America
Lynne F. Riley*

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Plymouth
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

04-11635-NG

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609		

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 USC. § 1331, 1335, 1340 and 2410

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Pro Se

7/22/04

Roger E. Hughes Jr.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Roger E. Hughes, Jr. vs. Michael S. Georges et al

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

X IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? YES ☐ NO ☒

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403) YES ☐ NO ☒

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? YES ☐ NO ☐

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284? YES ☐ NO ☒

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)). YES ☐ NO ☒

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

(PLEASE TYPE OR PRINT)
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